

**NOTICE OF VACANCIES ON THE NORTH POINTE SOLID WASTE  
SPECIAL SERVICE DISTRICT ADMINISTRATIVE CONTROL BOARD**

Notice is hereby provided this 3<sup>rd</sup> day of April, 2018, pursuant to Section 17B-1-304, Utah Code Annotated, 1953 as amended, that four (4) vacancies exist on the North Pointe Solid Waste Special Service District Administrative Control Board. To qualify for consideration for the above-mentioned Board vacancies, individuals must be registered voters within the North Pointe Solid Waste Special Service District or an officer or employee of Utah County.

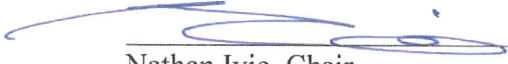
Those individuals interested in being considered for the vacant Board positions outlined above should send a letter expressing their interest, together with a brief description of their qualifications and eligibility for the Board position to: Board of County Commissioners, Utah County, Utah, 100 East Center Street, Suite 2300, Provo, Utah 84606. All letters of interest must be received by the Board of County Commissioners, Utah County, Utah, on or before 5:00 p.m. on June 1, 2018. The Board of County Commissioners, Utah County, Utah, will review and evaluate all individuals that qualify for consideration pursuant to the guidelines listed above, and will appoint individuals to fill the existing four (4) Board vacancies by resolution.

DATED this 3<sup>rd</sup> day of April, 2018.

BOARD OF COUNTY COMMISSIONERS  
UTAH COUNTY, UTAH

ATTEST:

Bryan E. Thompson  
Utah County Clerk/Auditor

  
Nathan Ivie, Chair

By: 

Deputy

APPROVED AS TO FORM:

Jeffrey R. Buhman  
Utah County Attorney

By: 

Deputy

**RESOLUTION ESTABLISHING A REVISED COMPOSITION AND APPOINTMENT  
PROCESS FOR THE ADMINISTRATIVE CONTROL BOARD  
OF THE NORTH POINTE SOLID WASTE SPECIAL SERVICE DISTRICT**

WHEREAS, the North Pointe Solid Waste Special Service District (the "District") (previously named the Utah County Solid Waste Special Service District) was established by the Board of County Commissioners (the "Board") of Utah County, Utah (the "County") pursuant to Resolution 1976-61, adopted by the Board on December 17, 1976 (the "Establishing Resolution"); and

WHEREAS, pursuant to Section 11-23-24, Utah Code Annotated 1953 (predecessor to Title 17D, Chapter 1, Part 3, Utah Code Annotated, 1953 as amended ("UCA")) and pursuant to Resolution 1976-62, adopted by the Board on December 17, 1976 (the "Delegating Resolution"), the Board delegated to an Advisory Board the authority to exercise all powers of a special service district pursuant to the Special Service District Act, except the powers to levy a tax on the taxable property of the District, to issue bonds, or to call or hold an election for the authorization of any such tax or bond; and

WHEREAS, the Board adopted its Resolution No. 1986-03 on March 24, 1986, which established the composition and appointment process for an Administrative Control Board of the District (the "Administrative Control Board"), which replaced the previously constituted Advisory Board of the District; and

WHEREAS, The Board adopted its Resolution No. 1995-87 on December 11, 1995, which further clarified and modified the composition and appointment process for the Administrative Control Board; and

WHEREAS, the Board desires to continue its delegation to the District's Administrative Control Board of the authority of the management and operation of the District, with the exception of the authority to appoint members to the District's Administrative Control Board, and the powers designated in Section 17D-1-301(3), UCA, which may not be delegated by a county legislative body to an administrative control board; and

WHEREAS, Section 17D-1-303, UCA, provides that the Board is the appointing authority for the District's Administrative Control Board, subject to the exceptions contained in Section 17D-1-303(3), UCA; and

WHEREAS, Section 17B-1-304, UCA, provides the procedure to be followed in making appointments to special service district administrative control boards, subject to the exceptions contained in Section 17D-1-303(3), UCA; and

WHEREAS, a former, since repealed, statute, Section 17A-2-1326(1)(b)(ii), UCA, previously provided that when a special service district included all or part of the area of a municipality, said municipality had the authority to appoint one member to represent it on the administrative control

board of the special service district; and

WHEREAS, the Utah State Legislature repealed Section 17A-2-1326(1)(b)(ii), UCA, and adopted Section 17D-1-303, UCA, as a replacement statute in its 2008 General Session; and

WHEREAS, the Utah State Legislature amended Section 17D-1-303, UCA, in its 2014 General Session; and

WHEREAS, Section 17D-1-303, UCA, currently provides that a municipality may appoint a board member to represent it on a county created special service district administrative control board, only if (i) the special service district provides the same service as the municipality; or (ii) the municipality provided the same service as the special service district prior to the creation of the special service district, if all or part of the municipality was then included in the special service district, or the municipality provided the same service as the special service district prior to all or part of the municipality being annexed into the special service district; and (iii) the special service district includes some or all of the area of the municipality; and

WHEREAS, none of the municipalities whose area are included within the boundaries of the District provide the solid waste services provided by the District; and

WHEREAS, the municipalities which provided the solid waste services provided by the District prior to all or part of each such municipality being annexed into the special service district, either directly or by contract, are American Fork City, Lehi City, Lindon City, Orem City, and Pleasant Grove City (said cities are individually referred to as an "Appointing Municipality" and collectively referred to as the "Appointing Municipalities"); and

WHEREAS, the municipalities which did not provide the solid waste services provided by the District prior to all or part of such municipalities being annexed into the special service district are Cedar Hills City, Highland City, Saratoga Springs City, and the Town of Vineyard (said cities are individually referred to as a "Non-Appointing Municipality" and collectively referred to as the "Non-Appointing Municipalities"); and

WHEREAS, the Board recognizes the importance of complying with the statutory laws of the State of Utah in the appointment of and the composition of special service district boards and desires to bring the District's Administrative Control Board into compliance with the statutory laws of the State of Utah;

NOW, THEREFORE, BE IT HEREBY RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH, AS THE LEGISLATIVE BODY OF UTAH COUNTY, UTAH, as follows:

1. The Board delegates to the District's Administrative Control Board the authority of the management and operation of the District, with the exception of the authority to appoint those members to the District's Administrative Control Board which are to be appointed by the Board, and further excepting the powers designated in Section 17D-1-301(3), UCA, which may not be delegated by a county legislative body to an administrative control board.

2. The Board, as the legislative body of County, shall appoint, pursuant to the provisions

of Sections 17B-1-304, UCA, 17D-1-303, UCA, and 17D-1-304, UCA, in addition to the three (3) members it has previously appointed and who are currently serving on the District's Administrative Control Board, an additional four (4) members to the District's Administrative Control Board.

3. Each board member who has previously been appointed by an Appointing Municipality to represent the municipality on the District's Administrative Control Board shall continue to serve as a board member, and each Appointing Municipality shall continue to have the authority to appoint a member to represent it on the District's Administrative Control Board, unless and until the current statutory laws of the State of Utah dealing with the appointment and composition of administrative control boards for special service districts are changed to not provide for the right of such appointment.

4. Each Non-Appointing Municipality who has previously appointed one (1) member to represent the municipality on the District's Administrative Control Board shall no longer have the authority to appoint a member to represent it on the District's Administrative Control Board. The term of each board member who has previously been appointed by a Non-Appointing Municipality to represent the municipality on the District's Administrative Control Board shall be terminated upon the appointment of the four (4) additional members to the District's Administrative Control Board by resolution of the Board. The Board shall appoint the additional members to the District's Administrative Control Board for an initial term expiring on January 1, 2022, with all subsequent terms to be four years.

5. The Board hereby rescinds those portions of its Resolution 1995-87 which are in conflict with the provisions of this Resolution, being in contravention of the current statutory laws of the State of Utah dealing with the appointment and composition of administrative control boards for special service districts.

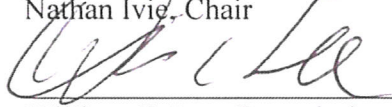
RESOLVED AND ORDERED this 3rd day of April, 2018.

BOARD OF COUNTY COMMISSIONERS  
UTAH COUNTY, UTAH

VOTE

  
Nathan Ivie, Chair

aye

  
William C. Lee, Commissioner

aye

ABSENT

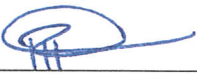
Greg Graves, Commissioner

o

ATTEST:

Bryan E. Thompson

Utah County Clerk/Auditor

By:   
Deputy

APPROVED AS TO FORM:

Jeffrey R. Buhman

Utah County Attorney

By:   
Deputy